

REC'D 15 MAR 2005

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TP 1472 WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE 2003/001541	International filing date (day/month/year) 03.10.2003	Priority date (day/month/year) 19.11.2002
International Patent Classification (IPC) or national classification and IPC B65B41/18, B65H23/188, G06K19/06, B26D5/32		
Applicant Tetra Laval Holdings & Finance S A et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 14.05.2004	Date of completion of this report 23.02.2005
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer William Helin/EK Telephone No. +46 8 782 25 00

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001541

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001541

Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The application relates to two inventions which are not so linked as to form a single general inventive concept. The invention according to claims 1-8 relates to a packaging material provided with information, whereas the invention according to claims 9-19 relates a method for providing a second part of a packaging material web with information about a first part of the web.

The invention according to claims 1-8 differs from the most relevant prior art (US6021950 A) in that an alternative method for storing information in printed pattern is used.

The invention according to claims 9-19 differs from US6021950 in that at manufacture of a packaging material web, dimension measurements from a first part of the web are provided to a second part of the web. The information controls a filling machine.

These technical features have different effects and solve different problems. Thus they are not same or corresponding special technical features in the sense of Rule 13.2 PCT. No other features can be distinguished which can be considered as same or corresponding special technical features in the sense of Rule 13.2 PCT. Thus, the application does not fulfil the requirement of unity of invention.

However, the invention according to claims 9-19 could be examined without effort justifying an additional fee.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/001541

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-19</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>9-19</u>	YES
	Claims	<u>1-8</u>	NO
Industrial applicability (IA)	Claims	<u>1-19</u>	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

The invention according to claims 1-8 relates to a method for transferring information from a packaging laminate to a filling machine via the packaging laminate.

The invention according to claims 9-19 relates a method for providing a second part of a packaging material web with information about a first part of the web.

For the invention according to claims 9-19, reference is made to the following documents:

EP0013968 A1
WO0160730 A2
GB2186226 A

The cited documents represent the general state of the art. The invention defined in claims 9-19 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the method for transferring information. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 9-19 is novel and is considered to involve an inventive step. The invention is industrially applicable.

For the invention according to claims 1-8, reference is made

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: BOX V

to the following documents:

US6021950 A

WO014859 A1

US6021950 refers to control pattern marking of a packaging material web. Through optical reading of the control pattern the web can be advanced automatically whereby, inter alia, print can be correctly placed with respect to crease lines.

WO014859 discloses a method for storing information in a printed pattern. The actual position of a point compared with the nominal position of said point corresponds to certain information.

The invention according to claims 1-8 differs from US6021950 in that an alternative method, known through WO014859, for storing information in printed pattern is used. The skilled person is considered able to choose between known methods for storing information in printed pattern. Therefore, and since the method used in the present application has not been shown to involve an unexpected technical effect, the claimed subject matter according to claims 1-8 does not fulfil the requirement of inventive step.